

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v	)	CR. NO. 2:08cr 153-WHA
	)	
ANDREW LEWIS DAVIS	)	

**ORDER**

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on August 14, 2008, pursuant to the Government's Motion for Detention (Doc.#4). Based upon consideration of the evidence presented, the Court concludes that the defendant should be detained pending trial in this case.

**Part I -- Findings of Fact**

There is probable cause to believe that the defendant has committed an offense for which the maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. § 922(g). The Defendant is charged with possessing a firearm after having been convicted of a felony. No condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. There is a serious risk that the defendant will not appear.

**Part II - Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that in August, 2003, the defendant was on probation imposed by the Circuit Court of Lowndes County, Alabama. While the defendant was on probation, law enforcement officers made a series of controlled narcotics buys from the defendant in May, 2007.

After making the controlled buys from the defendants, the officers arrested the defendant at his home on October 24, 2007. Officers found the weapons and narcotics set forth in the pending indictment when they arrested the defendant. The defendant has prior convictions for carrying a pistol without a permit and discharging a firearm into either a building or vehicle. The evidence before the Court during the detention hearing reveals means less than incarceration were unsuccessful in protecting the community from further sales of narcotics by the Defendant and the continued possession of firearms by the defendant. Based on clear and convincing evidence, this Court determines the defendant is a flight risk and danger to the community

Based on the foregoing considerations, the court concludes that there are no conditions or combination of conditions which will reasonably assure the appearance of the defendant or protect the community and that the defendant should be detained.

### **Part III - Directions Regarding Detention**

Therefore, it is ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Done this 19<sup>th</sup> day of August, 2008.

/s/Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE